

BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT	)	PDC CASE NO: 01-684
ACTION AGAINST	)	
	)	
Derek M. Young	)	Notice of Administrative
	)	Charges
Respondent.	)	
	)	

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IT IS ALLEGED as follows:

**I.**  
**JURISDICTION**

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

**II.**  
**LAW**

**RCW 42.17.240 Elected and appointed officials, candidates, and appointees—Reports of financial affairs and gifts**, states in part: “(1) Every elected official and every executive state officer shall after January 1<sup>st</sup> and before April 15<sup>th</sup> of each year file with the commission a statement of financial affairs for the preceding calendar year...”

**RCW 42.17.241** details the content required in each report.

**WAC 390-24-010 Forms for Statement of Financial Affairs**, states in part: “The official form for statements of financial affairs as required by RCW 42.17.240 is designated ‘F-1’, revised 11/97...”

### **III.** **FACTS**

The Respondent, Derek M. Young, is a council member for the City of Gig Harbor, 3105 Judson Street, Gig Harbor, Washington. His term of office ends in the year 2001. Mr. Young is a candidate for re-election in 2001. Mr. Young held office during 2000 and was required to file a Statement of Financial Affairs (PDC form F-1) by April 15, 2001. (**Exhibit 1**) Because April 15<sup>th</sup> fell on a Sunday, the form was due on Monday, April 16, 2001. The F-1 report was not filed. On August 2, 2001, Mr. Young was notified of a brief enforcement hearing scheduled for August 20, 2001. He was given an opportunity to file the missing F-1 report, sign a Statement of Understanding, admitting a violation, and pay a penalty of \$50. (**Exhibit 2**) No response was received. On August 20, 2001, Chair Christine Yorozu asked that the full commission hear the matter. The F-1 report due April 16, 2001 was filed on September 13, 2001.

**Past History** – Derek Young was elected to the City Council of Gig Harbor in 1997. He filed the required F-1 on August 1, 1997. However, the annual F-1 reports due April 15, 1998 and April 15, 1999 and April 17, 2000 were not filed. On October 22, 1999, the PDC sent a hearing notice to Mr. Young in Case No. 00-209 alleging that he had failed to file PDC Form F-1 with the PDC by April 15, 1999. On November 19, 1999, an order was entered finding Mr. Young in violation of RCW 42.17.240 and assessing a civil penalty of \$350 with \$100 suspended conditioned on the payment of the non-suspended portion of the penalty within 30 days and no violations of RCW 42.17 by Mr. Young for a period of two years.

On October 13, 2000, the PDC sent a hearing notice in Case No. 00-209 to Mr. Young informing him that a hearing would be held October 23, 2000 to consider revoking the suspended portion of the penalty. On November 30, 2000, an order was entered revoking the suspended portion of the \$350 penalty assessed by the PDC in its November 19, 1999 order and ordering that the \$350 penalty be paid within 30 days of the date of the order. The PDC's decisions are set forth in the Findings of Fact, Conclusions of Law, and Orders sent to Mr. Young.

On October 6, 2000, the PDC sent a hearing notice in Case No. 01-130 to Mr. Young alleging that he had failed to file PDC Form F-1 with the PDC by April 17, 2000. On December 4, 2000, an order was entered finding Mr. Young in violation of RCW 42.17.240 and assessing a civil penalty of \$500. The PDC's decision is set forth in its Findings of Fact, Conclusions of Law, and Order sent to Mr. Young.

PDC Case No. 00-209 and Case No. 01-130, with penalties that totaled \$850, were referred to the Office of the Attorney General for collection on February 22, 2001. On September 11, 2001, Mr. Young paid the outstanding penalties along with the associated attorney's fees, court filing fees, and interest. The amount paid totaled \$1,194. On September 13, 2001, Mr. Young filed the annual F-1 reports that were due April 15, 1998, April 15, 1999, April 17, 2000, and April 16, 2001.

#### **Summary of F-1 Filings for Derek M. Young**

<b><u>Case No.</u></b>	<b><u>Description</u></b>	<b><u>Year Due</u></b>	<b><u>Violation</u></b>	<b><u>Penalty</u></b>	<b><u>Comments</u></b>
NA	Candidate F-1	1997	NA	NA	Filed 8-1-97
NA	Annual F-1	1998	NA	NA	Filed 9-13-01
00-209	Annual F-1	1999	.240	\$350	Referred AG 2-22-01 Paid 9-11-01

01-130	Annual F-1	2000	.240	\$500	Filed 9-13-01 Referred AG 2-22-01 Paid 9-11-01 Filed 9-13-01
01-684	Annual F-1	2001			F-1 filed 9-13-01

**IV.**  
**CONCLUSION**

Staff alleges, based on the facts specified in Section III, that Derek Young has violated RCW 42.17.240 by failing to timely file a Statement of Financial Affairs (PDC form F-1) by April 16, 2001.

RESPECTFULLY SUBMITTED this 13<sup>th</sup> day of September, 2001.

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Philip E. Stutzman  
Director of Compliance